

PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 22, 2006
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 16, 2006

Date: 10/12/06

From: Ron Nickson

Name (Print or type) (Signature)

National Multi Housing Council/National Apartment Association

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Agency, jurisdiction, chapter, company, association, individual, etc.

1850 M St. NW, Suite 540	Washington	DC	20036
Street	City	State	Zip

We (do not) agree with:

☒ [xx] The Agency proposed modifications As Submitted on Section No. **504.2 of the 2006 IBC Deletion of the last sentence of Section 504.2 concerning the application of NFPA 13R sprinkler systems.**

and request that this section or reference provision be recommended:

☐ [] Approved ☒ [xx] Disapproved ☐ [] Held for Further Study ☒ [xx] Approved as Amended

Without the deletion of the last sentence of Section 504.2 concerning the application of NFPA 13R sprinkler systems.

by the reviewing Code Advisory Committee.

Suggested Revisions to the Text of the Regulations:

504.2 Automatic sprinkler system increase. Where a building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.1.1, the values specified in Table 503 for maximum height is increased by 20 feet (6096 mm) and the maximum number of stories is increased by one. ~~Increases are permitted in addition to the area increase in accordance with Section 506.2. In other than high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, these increases are permitted in addition to the area increase in accordance with Section 506.3~~ For Group R buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.2, the value specified in Table 503 for maximum height is increased by 20 feet (6096 mm) and the maximum number of stories is increased by one, but shall not exceed 60 feet (18 288 mm) or four stories respectively.

Deleted: These increases

Deleted: and 506.3

Exceptions:

1. Fire areas with an occupancy in Group I-2 of Type 11B, III, IV or V construction
2. Fire areas with an occupancy in Group H-1, H-2, H-3 or H-5.
3. Fire-resistance rating substitution in accordance with Table 601, Note e.
4. [SFM] Fire areas with an occupancy in Group L.
5. [SFM] Fire areas with an occupancy in Licensed Group I-1 and R-4.

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Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

See Attached.

NMHC/NAA addresses this issue as being in direct opposition to items (4) and (5) of the Health Safety Code.

Specifically to item (4). NMHC/NAA feels that the proposed building standard as amended by the SFM is unreasonable, arbitrary, unfair, or capricious, in whole or in part, and that the NMHC/NAA modification is not unreasonable, arbitrary, unfair, or capricious, in whole or in part. The modification as proposed by NMHC/NAA provides for code provisions mirroring the 2006 IBC. The type of construction permitted with the NMHC/NAA modification has been construction for many years in other parts of the county without any detrimental impact.

As to item (5) NMHC/NAA does feel that the modification proposed by the SFM will impose an undue cost to the public that is not reasonable. The code allowance as permitted in the 2006 IBC have been proven over time in actual construction to be cost effective and safe for civilians and fire fighters. This is supported by NFPA fire data discussed in the expanded justification.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.